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Attorneys for Defendants
PLAYAGS, INC., DAVID LOPEZ, AND KIMO AKIONA

UNITED STATES DISTRICT COURT

DISTRICT OF NEVADA

MANJAN CHOWDHURY, Individually and
On Behalf of All Others Similarly Situated,

Plaintiff,

v.

PLAYAGS, INC., DAVID LOPEZ, AND
KIMO AKIONA,

Defendant.

CASE NO.: 2:20-cv-01209

**STIPULATION AND ~~[PROPOSED]~~
ORDER**

WHEREAS, on June 25, 2020, plaintiff Manjan Chowdhury, filed a complaint in this Court (“Complaint”) asserting federal securities claims arising under the Securities Exchange Act of 1934, which are governed by the Private Securities Litigation Reform Act of 1995, 15 U.S.C. §78u-4, et seq. (the “Reform Act”), against PlayAGS, Inc., David Lopez, and Kimo Akiona (collectively “Defendants”), on behalf of an alleged class;

WHEREAS, the Reform Act sets forth a process for the appointment of Lead Plaintiff and Lead Counsel, after a 60-day notice period expires following the filing of the initial putative securities class action, see 15 U.S.C. §78u-4(a)(3);

STIPULATION AND [PROPOSED] ORDER 1

1 WHEREAS, the undersigned counsel for Defendants is authorized to accept service of
2 the Complaint for Defendants, conditioned on Defendants' preservation of all defenses and
3 objections to the Complaint and any consolidated or amended complaint in this and any related
4 action, including, but not limited to, the Court's jurisdiction, but waiving only any objections to
5 insufficient process or insufficient service of process;

6 WHEREAS, motions for appointment of Lead Plaintiff and Lead Counsel for the alleged
7 class must be filed by August 24, 2020;

8 WHEREAS, Lead Plaintiff and Lead Counsel will not be appointed until after the
9 completion of briefing on those motions, and, accordingly, it is unclear at this time who will
10 ultimately act on behalf of the alleged class, as well as whether the court-appointed Lead
11 Plaintiff will file an amended complaint or stand on the existing Complaint; and

12 WHEREAS, no party has previously requested or received any extension of time;

13
14 NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED THAT:

15 1. Defendants hereby waive service of summons and accept service of the
16 Complaint, preserving all defenses and objections to the initial Complaint including, but not
17 limited to, the Court's jurisdiction, but waiving only any objections to insufficient process or
18 insufficient service of process;

19 2. Defendants need not answer or otherwise respond to the Complaint in the above-
20 captioned action or to any other complaint that is filed in or consolidated with the above-
21 captioned action prior to the appointment of Lead Plaintiff; and

22 3. Within twenty-one (21) days after this Court appoints a Lead Plaintiff, the Lead
23 Plaintiff and Defendants will submit to the Court a proposed schedule for (i) Lead Plaintiff's
24 filing of a consolidated complaint or designating a previously filed complaint as operative and
25 (ii) Defendants' time to move to dismiss the operative complaint.

26 ...

27 ...

STIPULATION AND [PROPOSED] ORDER 2

4. By entering into this stipulation, the parties do not waive, but rather expressly preserve, all rights and defenses they may have in this action.

IT IS SO STIPULATED.

Dated: August 6th, 2020

MUEHLBAUER LAW OFFICE, LTD.

/s/ Andrew R. Muehlbauer

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Respectfully submitted,

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Counsel for Defendants

IT IS SO ORDERED.

United States Magistrate Judge

DATED: August 7, 2020